

RESOLUTION NO 20071018-082

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) authorizes the creation of public improvement districts, and

WHEREAS, owners of real property located within the Austin Central Business District delivered to the City of Austin a Petition (the “Petition”) to continue, for a third five-year term, the Austin Downtown Public Improvement District (the “District”), as shown on the map attached hereto and made a part hereof and marked Exhibit “A” (the “Map of the District”), and

WHEREAS, the City Clerk of the City of Austin has reviewed the Petition and determined that under the proposal as set out in the Petition (1) the owners of more than 50% of the appraised value of the taxable real property liable for assessment and (11) the owners of more than 50% of the area of all taxable real property liable for assessment within the District have executed the Petition and that the Petition complies with the Act and authorizes the City Council to consider the reauthorization of the District, and

WHEREAS, after providing the notices required by Section 372 009 of the Act, the City Council on October 18, 2007, has conducted a public hearing on the advisability of the improvements and services, and

WHEREAS, the City Council adjourned such public hearing, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

Section 1 Pursuant to the requirements of the Act, the City Council, after considering the Petition for the proposed District and the evidence and testimony presented at the public hearing on October 18, 2007, hereby finds and declares

- (a) Advisability of the Services and Improvements Proposed for the District It is advisable to create the District to provide the services and improvements described in this Resolution, and the services and improvements will contribute to the public health, safety, and welfare
- (b) Nature of the Services and Improvements The general nature of the services and improvements to be performed by the District is to improve security, supplement the maintenance of streets, sidewalks, and landscaping, provide marketing information to promote the District, provide streetscape enhancements, and provide other services and improvements that are authorized by the Act. The District was created with intention of supplementing and enhancing services within the District, and will continue to do so, but is not intended to replace or supplant existing City services provided within the District, as described in the service plan (the "Service Plan") attached hereto as Exhibit "B" and made a part hereof. The Service Plan is hereby approved and accepted by the City Council
- (c) Estimated Cost of the Services and Improvements The estimated annual cost of the services and improvements to be provided by the District is approximately \$2,250,000. The District shall not incur bonded indebtedness

- (d) Boundaries The District is located wholly within the City of Austin, Texas. The District is located within the Austin Central Business District, which is devoted primarily to commercial activity. The boundaries of the District are shown on the Map of the District, Exhibit "A"
- (e) Method of Assessment The method of assessment is based on the value of the real property and real property improvements as determined by the Travis Central Appraisal District.

Except with the prior consent of the owners thereof, the following classes of property shall be excluded from assessment: (a) property of the City (provided, however, that during each year in which the District remains in effect and the Council appropriates sufficient funds, the City shall pay a certain amount in lieu of an assessment), (b) property of the County, and property owned by political subdivisions of the State of Texas and used for public purposes, (c) property owned by a church or by a strictly religious society, and which yields no revenue to such church or religious society, and which is used as an actual place of religious worship or as a dwelling place for the ministry of such church or religious society, (d) property owned by persons or associations of persons which is used exclusively for school purposes, (e) property owned by an association engaged in promoting the religious, educational, and physical development of boys, girls, young men, or young women operating under a state or national organization of like character and used exclusively and necessarily for such purpose, including, but not limited to, property owned by the Austin Independent School District, (f)

property owned by institutions of purely public charity, (g) property that was used primarily for recreational, park, or scenic purposes during the immediately preceding calendar year, (h) property owned by public or private utilities that is located in public streets or rights-of-way, (i) property used for residential purposes and fitting the definition of a homestead provided in Section 41.001, Vernon's Texas Code Annotated, Texas Property Code, (j) property owned by The University of Texas and the State of Texas, (k) all hospitals, and (l) the first \$500,000 in valuation of all properties liable for assessment

All property owners assessed in the District automatically become members of the District and others may join by the voluntary payment of dues. The Service Plan reflects the District's intention to provide services in a manner that will primarily benefit District members.

After reviewing the testimony and evidence, it is found that the exemptions for excluded classes are reasonable because the excluded property will not receive a benefit from the District sufficient to justify assessments. It is further found that the exemptions are reasonable and necessary to promote the efficient management of the District.

(f) Apportionment of Cost Between District and Municipality as a Whole

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City will make an annual payment to the District in lieu of an annual assessment of City-owned property, subject to annual appropriation of funds from the Council. The City will agree to pay the District a sum in each year not to exceed \$150,000. The City

Manager is hereby instructed to provide for an annual payment in future budgets for the term of the District

- (g) Assessment Roll and Setting of Rate The City Manager is hereby directed to annually prepare an assessment roll and file said roll with City Clerk. The assessment rate shall not exceed \$0.10 per \$100.00 valuation of taxable real property as shown on the tax rolls of the Travis Central Appraisal District, provided, however, that property designated by the City as "H" Historic shall have the exemptions from assessment contained in Section 5-5-3 of the City Code and shall be assessed on the basis of the reduced value provided by the formula therein.
- (h) The recitals set forth in the preamble of the Resolution are found to be true and correct.

Section 2 The Austin Downtown Public Improvement District is hereby reauthorized and continued as a Public Improvement District under the Act in accordance with the findings set forth in this Resolution as to the advisability of the services and improvements. The District shall be subject to the terms, conditions, limitations, and reservations contained in the findings of Section 1 of this Resolution.

Section 3 The City Clerk is directed to give notice of the reauthorization of the District by publishing a copy of this Resolution once in a newspaper of general circulation in the City of Austin. Such reauthorization shall take effect and the District shall be deemed to be reestablished effective upon the publication of such notice. The District shall automatically dissolve five years from the date of approval.

of this Resolution unless the District is renewed through the Petition and approval process provided for in the Act, or the District is sooner terminated as provided by law. The power of the City to continue to levy and collect assessments within the District pursuant to the Act will cease and the District will be dissolved on the date that a petition requesting dissolution is filed with the City Clerk of the City of Austin and the petition contains the signatures of at least enough property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act.

Section 4 The City Council designates Austin DMO, Inc., a Texas nonprofit corporation, d/b/a Downtown Austin Alliance, as the advisory body as contemplated by Section 372.008 of the Act.

ADOPTED October 18, 2007

ATTEST

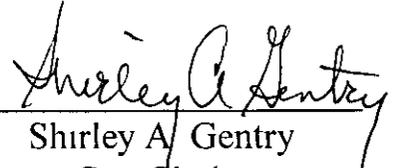
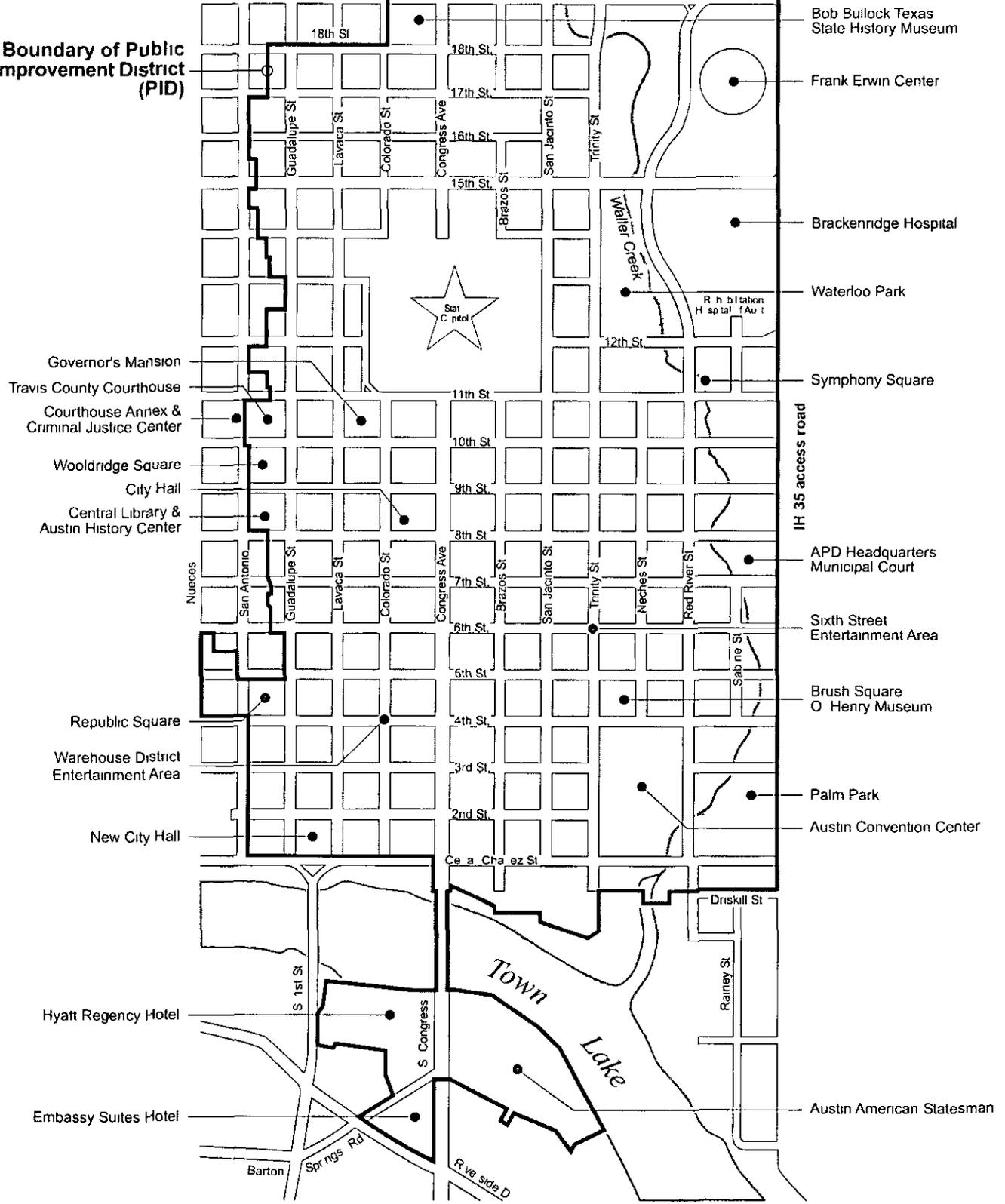

Shirley A. Gentry
City Clerk

EXHIBIT A

Martin Luther King Blvd

Boundary of Public Improvement District (PID)



**Downtown Austin
Public Improvement District (PID)**

EXHIBIT B

Austin Downtown Public Improvement District (PID) Five-Year Service Plan May 1, 2008 – April 30, 2013

INTRODUCTION

The Austin DMO Inc was chartered in May 1992. The City Council created the Downtown Austin Public Improvement District in April 1993 and contracted with the DMO in August 1993 to provide services to the district. In September 1995 the Austin DMO Inc changed its operating name to the Downtown Austin Alliance.

During the five year plan (May 2008 – April 2013) the Downtown Austin Alliance will move forward in accordance with its mission to protect and strengthen the business, culture, arts and entertainment environment of Downtown Austin, to provide services to increase the quality of life for people who live, work, and play in Downtown, to communicate the concerns of the Downtown community to local and state entities, and to support the constructive initiatives on issues of public policy that affect the community.

Please see table A and B for revenue and expense projections.

Revenue Projections

The revenue projection is made with an assumption of 3% increase in assessed value every year, City of Austin and Travis County contributions remain the same 150,000 and 25,000 respectively each year.

Expense Projection

Allocation of expenses between programs will remain the same for the five year plan.

I. Security – 27%

The Alliance recognizes increased security and public safety as being essential to the ongoing success of downtown. The Alliance will continue to build on Austin's reputation as one of America's safest cities by playing a pivotal role in the development of creative, problem-solving approaches to law enforcement and the effective adjudication of offenders. This will be accomplished by strengthening existing partnerships with Austin Police Department, Travis County District Attorney's Office, Downtown Austin Community Court, County Courts, local social service agencies and treatment providers. To achieve this objective, the Alliance anticipates that it will direct staff, advocacy efforts and/or direct financial resources in the following manner:

- Continue to grant fund and grow the Austin Downtown Rangers program to provide supplemental APD safety personnel on the streets.

- Continue to grant fund a portion of the Downtown Neighborhood Assistant District Attorney position to enhance the apprehension and prosecution of felony offenders and to carry out programs designed to reduce crime and recidivism
- Continue to actively participate as a member of the Community Justice Council and the Austin/Travis County Reentry Roundtable to address crime and offender reentry issues
- Advocate for the implementation of a downtown camera surveillance system as an additional police resource to improve safety in the East 6th Street entertainment district
- Continue to work in concert with the Texas Alcoholic Beverage Commission and APD Alcohol Control Team to identify problem liquor operators and to take actions to inform property owners and, when necessary protest the renewal of liquor licenses
- Continue to actively participate on the Ending Chronic Homeless Organization/Homeless Task Force to address issues of homelessness and to mitigate the negative impact of this issue on downtown

II Maintenance – 12%

Downtown's image is reflected in its appearance. Having clean sidewalks and streetscapes is the aim of the Alliance's maintenance program. The Alliance will continue providing daily litter removal throughout the PID, regularly scheduled sidewalk washing service on Congress and other key blocks, and will strive to efficiently remove graffiti in 24 hours or less from the time a tag is reported. The Alliance will build on its partnerships with the City's Economic Growth and Redevelopment Services Department (EGRSO) to consolidate and coordinate downtown maintenance services, and will continue its partnership with the City's Youth Development Program for maintenance staff recruitment and graffiti removal support. To achieve the above stated objectives, the Alliance anticipates the allocation of staff and financial resources in the following areas:

- Continue to operate and expand an in-house maintenance department responsible for providing supplemental maintenance service for downtown
- Continue daily litter removal services, periodic sidewalk washing and prompt, efficient graffiti removal throughout the PID
- Continue to invest additional financial resources toward increased maintenance staffing and equipment as the need for services grows and as assessment revenues and future Alliance budgets allow
- Continue to work directly with EGRSO and other City departments to coordinate and improve the delivery of City and Alliance maintenance services downtown

III Membership – 6%

The Alliance membership programs provide educational and development opportunities for those interested in downtown. From monthly seminars, tenant retention programs, to volunteer opportunities, the Alliance provides numerous activities for interested

individuals to become involved in the issues activities and people impacting downtown Austin Over the next five years membership programs and activities will include

- Monthly Issues & Eggs breakfast forums educating the community on local issues that impact downtown
- Educational luncheons and seminars focusing on national issues such as transportation planning and economic development
- Biennial IMPACT Awards, recognizing the organizations and people who continue to make a positive impact on downtown
- Co producing in partnership with KUT 90.5 FM the annual Capitol Tree Lighting and Congress Avenue Holiday Stroll
- Creating a team of interested individuals and companies to help select and raise monies to replace the aging holiday decorations on Congress Avenue
- Produce *Downtown A La Carte* events as a tool for tenant retention
- Conduct biennial survey with Dr. Marie Crane and Associates to assess downtown Austin and the programs of the Alliance
- Continue to act as an educational resource for those who seek to become involved with the downtown community
- Continue to work with the downtown community to increase their awareness of the Alliance and its programs

IV Economic Development – 11%

This program promotes business development and the positive growth of office hotel retail and residential uses in downtown The downtown development packet and Alliance website provide detailed information for potential investors and employers The Economic Development Committee works closely with area private sector entities to address and advocate downtown development issues with local and state governments Over the next five years the focus will be placed on the following issues

- Continue retail recruitment program for Congress Avenue and East and West 6th Street
- Meet with prospective investors and developers to provide context, vision and recommendations consider support of development projects through committee and board process
- Work closely with the City on the implementation of the downtown plan
- Through downtown plan, CIP, and other means, advocate for infrastructure improvements to support new development and adaptive reuse

V Streetscapes & Transportation – 5%

Streetscapes and Transportation covers all issues and programs for downtown access, mobility and parking The Alliance works with a variety of partners on long term issues such as the future of downtown's parking and transportation infrastructure and transportation options The Alliance also works on day to day issues such as providing

information about street closures and other traffic interruptions. During the next five years, streetscapes and transportation issues the Alliance will work on include:

- Develop with the City of Austin and other community stakeholders a strategic approach and plan for a comprehensive wayfinding system in order to alleviate traffic, parking and navigational concerns downtown.
- Explore opportunities to expedite the implementation of the Great Streets Master Plan in addition to working with developers to include Great Streets in individual projects.
- Continue to support and advocate for the conversion of Cesar Chavez to a two-way boulevard, the completion of Great Streets improvements to 2nd Street from Colorado to Trinity, and the reconstruction of and Great Streets improvements to Brazos Street from 3rd Street to 11th Street.
- Promote improving access to downtown by supporting public transit initiatives such as commuter rail, and enhanced roadway improvements such as TXDOT's managed lanes facilities on MoPac.
- Advocate the downtown community's interests as Capital Metro plans for an effective circulator system and an inter-modal transfer center.
- Seek ways to improve downtown traffic flow by working with the City of Austin to manage traffic closures and to inform the downtown community of disruptions to traffic.
- Support ways to maximize the utility of existing parking, such as the conversion of single space parking meters to pay-and-display meters.

VI Arts & Entertainment Marketing – 23%

The Alliance seeks to brand and market downtown as the premier destination for the arts culture and entertainment. The Alliance, in partnership with Action Figure and KLRU TV, has produced three EMMY® award-winning seasons of DOWNTOWN, the television program that depicts what makes Austin unique – from the Armadillo World Headquarters to an impromptu public pillow fight. During the next five years, the Alliance will evaluate the following types of programs to determine priorities and next steps:

- Determine future marketing programs and initiatives that may include future seasons of the DOWNTOWN series, an updated interactive Web site, and new marketing collateral materials.
- Explore opportunities to partner with the City of Austin to expand public arts programs downtown that align with the Create Austin plan.

VII Communications – 6%

Currently, the Alliance uses the following methods to communicate with its members, constituents and the community at large:

- Member newsletter distributed at least three times per year.

- Email newsletter distributed weekly
- Annual report
- Web site www.downtownaustin.com highlights important issues current events businesses and other items of interest Currently receives more than 4.5 million unique visitors each year
- Proactive and reactive media relations to educate community members on important issues events etc
- Issue papers and special reports on topics of interest to the downtown community

During the next five years the Alliance will restructure its communications programs to more effectively reach its key audiences. Priorities include the creation of a more interactive, informative, real time online interface.

VIII Parks– 2%

The Alliance leverages its funds through partnerships with other non profit organizations. Working with the Austin Parks Foundation (APF) and the City of Austin Parks & Recreation Department (PARC) the Alliance plans to revitalize the downtown historic squares through programming and redevelopment.

- With APF, obtain necessary approval and oversee Phase I redevelopment of Republic Square with improvements concentrated around the historic Auction Oaks
- Raise funds for and oversee master plan for the three historic squares which will result in site specific concept designs for each park (with APF and PARC, to coordinate with Downtown Plan)
- Raise funds for and oversee redevelopment of the three historic squares as defined in the master plan (with APF and PARC)
- Expand park programming (with APF)
- Advocate for trail and park (Palm Park) enhancements to be included in plans for improvements associated with the Waller Creek Tunnel

IX Administration -- 8%

Program expenses include overhead charges allocated in proportion to staff time.

**DOWNTOWN AUSTIN ALLIANCE
FIVE YEAR SERVICE PLAN
MAY 1, 2008 - APRIL 2013**

Table A FIVE YEAR REVENUE PROJECTIONS

| SOURCE | YR 1 5/08-4/09 | YR 2 5/09-4/10 | YR 3 5/10-4/11 | YR 4 5/11-4/12 | YR 5 5/12-4/13 |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|
| Assessed Value | 2,199,525,000 | 2,265,510,750 | 2,333,476,073 | 2,403,480,355 | 2,475,584,765 |
| Assessment Rate | 10/100 | 10/100 | 10/100 | 10/100 | 10/100 |
| Total Assessments | 2,199,525 | 2,265,511 | 2,333,476 | 2,403,480 | 2,475,585 |
| Collection Rate | 96% | 96% | 96% | 96% | 96% |
| Assessment Revenue | 2,111,544 | 2,174,890 | 2,240,137 | 2,307,341 | 2,376,561 |
| CONTRIBUTION REVENUES | | | | | |
| SOURCE | YR 1 5/08-4/09 | YR 2 5/09-4/10 | YR 3 5/10-4/11 | YR 4 5/11-4/12 | YR 5 5/12-4/13 |
| City of Austin | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 |
| Prior Year Revenue Interest & late Pmt | 117,717 | 117,717 | 117,717 | 117,717 | 117,717 |
| Travis County | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 |
| Total | 292,717 | 292,717 | 292,717 | 292,717 | 292,717 |
| TOTAL ANNUAL REVENUES | | | | | |
| SOURCE | YR 1 5/08-4/09 | YR 2 5/09-4/10 | YR 3 5/10-4/11 | YR 4 5/11-4/12 | YR 5 5/12-4/13 |
| Assessment Revenues | 2,111,544 | 2,174,890 | 2,240,137 | 2,307,341 | 2,376,561 |
| Contribution Revenues | 292,717 | 292,717 | 292,717 | 292,717 | 292,717 |
| Less Reserve for Revenue Collection | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) |
| Total | 2,304,261 | 2,367,607 | 2,432,854 | 2,500,058 | 2,569,278 |

Table B FIVE YEAR EXPENDITURE PROJECTIONS

| PROGRAM | YR 1 5/08-4/09 | YR 2 5/09-4/10 | YR 3 5/10-4/11 | YR 4 5/11-4/12 | YR 5 5/12-4/13 |
|--------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| SECURITY | 622,150 | 639,254 | 656,871 | 675,016 | 693,705 |
| MAINTENANCE | 276,511 | 284,113 | 291,942 | 300,007 | 308,313 |
| MEMBERSHIP | 138,256 | 142,056 | 145,971 | 150,003 | 154,157 |
| ECONOMIC DEVELOPMENT | 253,469 | 260,437 | 267,614 | 275,006 | 282,621 |
| STREETSCAPES & TRANSPORTATION | 115,213 | 118,380 | 121,643 | 125,003 | 128,464 |
| ARTS & ENTERTAINMENT MARKETING | 529,980 | 544,550 | 559,556 | 575,013 | 590,934 |
| COMMUNICATION | 138,256 | 142,056 | 145,971 | 150,003 | 154,157 |
| PARKS & COMMUNITY SUPPORT | 46,085 | 47,352 | 48,657 | 50,001 | 51,386 |
| ADMINISTRATION | 184,341 | 189,409 | 194,628 | 200,005 | 205,542 |
| TOTAL EXPENDITURE | 2,304,261 | 2,367,607 | 2,432,854 | 2,500,058 | 2,569,278 |

INFLATION RATE OF 3% ASSUMED